

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUMITOMO DAINIPPON PHARMA,
CO., LTD., et al.,

Plaintiffs,

v.

EMCURE PHARMACEUTICALS LTD.,
et al.,

Defendants.

:
: Civil Action No. 15-280 (SRC) (CLW)
: Civil Action No. 15-281 (SRC) (CLW)
: Civil Action No. 15-6401 (SRC) (CLW)

:
: (Consolidated)

:
: **NOTICE OF MOTION TO STAY CASE**
: **PENDING RESOLUTION OF APPEAL**

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: Motion Day: March 6, 2017
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:

COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on March 6, 2017, the undersigned counsel for Defendant InvaGen Pharmaceuticals, Inc. in the above-captioned consolidated action, shall move before the Honorable Stanley R. Chelser, United States District Judge, at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, for an Order in the form annexed hereto staying the above-captioned proceedings against it pending resolution of an anticipated appeal of this Court's November 15, 2016 claim construction opinion and order by Defendants Emcure Pharmaceuticals Ltd., Heritage Pharma Labs Inc., Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd., and for such other and further relief as the Court deems just.

PLEASE TAKE FURTHER NOTICE that Defendants shall rely upon the Declaration of Salvatore Guerriero, the supporting Memorandum of Law submitted herewith, and the pleadings previously filed in this action.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is supplied herewith.

Respectfully submitted,

Dated: February 10, 2017

s/ SGuerriero/

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